

REMARKS

Upon entry of the Amendment, Claims 1, 4, 5, 21-32 and 34 are pending in the application.

The Examiner has indicated that Claims 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicants amend independent Claim 1 without prejudice or disclaimer to incorporate the subject matter of dependent Claim 33, now canceled. Claim 34 is amended to depend on Claim 1. No new matter is added. Applicants submit that Claims 1, 4, 5, 21-32 and 34 are now allowable as written given Claim 33's allowable subject matter, and such is respectfully requested.

Entry of the Amendment is respectfully requested as putting all of the pending claims in condition for allowance.

Claim Rejections - 35 USC § 103

Claims 1, 4, 5 and 21-32 are rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Okuyama et al. ('607) in view of Mimura et al. (U.S. Patent No. 6,368,722) and Hosoi et al. ('794) for the reasons given in the Office Action.

Claims 1, 4, 5 and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al. ('607) in view of Hosoi et al. ('794), Sueoka et al. (WO 99/020463) and Saito et al. (JP 10-021529 A) (See the provided Machine Translation of JP '529 A, as well as U.S. Patent

No. 6,358,619 B1, which is assertedly the U.S. equivalent to WO `463) for the reasons given in the Office Action.

In response to each of these rejections, although Applicants do not acquiesce in the propriety thereof, for purposes of advancing prosecution, Applicants amend Claim 1 to incorporate the subject matter of Claim 33, now canceled. Claim 1 as amended recites for the seed layer: "wherein the seed layer contains at least one metal selected from the group consisting of Ta, Mo, W, V, Zr, Cr, Rh, Hf, Nb, Mn, Ni, Al, and Ru, or an alloy of these elements." This Markush grouping excludes a Titanium metal seed layer, such as that disclosed in Okuyama. Applicants submit that the combination of references fails to disclose or render obvious at least such element of independent Claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) to Okuyama et al. in view of Mimura et al. and Hosoi et al. and to Okuyama et al. in view of Hosoi et al., Sueoka et al. and Saito et al..

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/670,616

Q58116

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

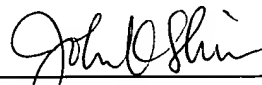
Respectfully submitted,

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